



**Canal &
River Trust**

Making life better by water

Mr Adam Walker
Kirklees Metropolitan Council
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR

Your Ref 2021/90605

Our Ref CRTR-PLAN-2021-32215

Wednesday 31 March 2021

Dear Mr Walker

Proposal: Erection of an industrial building (B1(c) use)

Location: Land at, Vanguard Processing Equipment, Spa Fields Industrial Estate, Slaithwaite

Waterway: Huddersfield Narrow Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The risk of adverse loading from the proposed retaining wall;
- b) The risk of contamination towards the waterway;
- c) The impact on the character and appearance of the waterway corridor; and
- d) Measures to control the spread of Invasive Species.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions and/or a legal agreement are necessary** to address these matters. Our advice and comments follow:

The risk of adverse loading from the proposed retaining wall

The application site is situated to the north of the Huddersfield Narrow Canal, and is supported above the site by existing sloping land.

There are risks that loading from the proposed retaining structure, foundations or construction works on site could impact upon the stability of the existing cutting slope. In order to ensure that the integrity of the cutting slope is protected, it is important that the location and design of any earthworks, foundations and retaining structures on site do not impose adverse loading onto the structure.

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Land stability is a material planning consideration, as highlighted by paragraphs 170 (part e) and 178 of the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (e.g. Paragraph 001 Reference ID: 45-001-20140306). We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

Supporting information should include the provision of cross sections showing changes to land levels and the depth of any new foundations and new retaining structures relative to slope and canal. This detail could be reserved via the use of an appropriately worded condition. Suggested wording is provided below:

“No development shall take place until full details of earthworks, the construction of foundations and any new retaining structures on site have first been submitted to and approved in writing by the Local Planning Authority. Details shall include cross sections showing the relationship of such works to the Huddersfield Narrow Canal. The development shall thereafter be carried out in accordance with the approved details”

Reason: In the interests of minimising the risk of creating land instability in accordance with the advice and guidance contained in paragraphs 170 (part e) and 178 of the National Planning Policy Framework.

We request that supporting information is provided, prior to the commencement of development, to demonstrate that the development will not result in an increased risk of land instability.

Construction works in proximity to the cutting slope could also adversely impact upon the stability of the land, notably through any loading onto the structure itself from stockpiles and construction plant and equipment. **We would therefore request that a detailed Construction and Environmental Management Plan (CEMP) should be provided prior to commencement of development by means of a suitably worded condition to safeguard the structural integrity of the waterway.** This should include details of the location of construction equipment and any stockpiling on site, as well as measures to protect the canal infrastructure, the wider canal corridor and its users during construction works.

The risk of contamination towards the waterway

The site has potential for contamination. The submitted ground investigation reports are 17 years old, and may be out of date. We advise that appropriate Phase II and Phase III investigations should be undertaken to ensure that the risk to sensitive receptors, including the canal, are adequately quantified and mitigated against. **Details could be reserved through the use of appropriately worded condition(s).**

Due to the proximity of construction works to the canal, **we advise that any approved CEMP should also include details of dust suppression and protection measures to avoid any unmanaged runoff to the canal.**

The impact on the character and appearance of the waterway corridor

The proposed retaining wall and any proposed boundary treatment could be highly visible from the canal, and could impact upon the outward character and appearance of the waterway. In line with the aims of policy LP24 from the adopted Local Plan, we advise that the development should aim to enhance the character of the surrounding townscape, heritage asset (including the canal) and landscape. There is a risk that the retaining structure could be overly functional in appearance, and we advise that the Local Authority ensure that the materials of the retaining structure, and any boundary treatment is sympathetic to the outward view of the canal. **Details of the retaining structure and any boundary treatment could be reserved via the use of appropriately worded condition(s).**

Management of Japanese Knotweed

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The submitted Ground Investigation identifies the presence of Japanese Knotweed next to the canal. In order to minimise any harm to biodiversity, the application should detail measures of how the developer will ensure that the invasive species will be managed and what measures will be in place to prevent its spread during development. **Details of the management of this species could be reserved via the use of appropriately worded condition.**

Other Comments

In our capacity as landowner, we wish to highlight that, due to the proximity to the canal, the applicant/developer would likely need to comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust'.

We therefore request that, in the event of a positive determination, the following informative is appended to the decision notice:

"The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust"

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Simon Tucker MRTPI
Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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